



# California Regional Water Quality Control Board

## Lahontan Region



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

January 26, 2009

TO: ATTACHED MAILING LIST

WDID NO. 6B369411001

TENTATIVE RESCISSION OF WASTE DISCHARGE REQUIREMENTS FOR BOARD ORDER NO. 6-95-30, FOR FORT CADY MINERALS CORPORATION; FORT CADY BORATE MINE - FULL SCALE PROJECT, San Bernardino County

Enclosed are tentative Waste Discharge Requirements (WDRs) for the above subject.

The California Regional Water Quality Control Board requests that you review the enclosed documents and provide us with your written comments no later than **February 24, 2009**. Comments received after that date cannot be given full consideration in preparation of the recommended Board Order to be presented to the Regional Board for adoption at the meeting scheduled for April 16, 2009.

If you need further information regarding the WDRs, please contact Joe Koutsky at (760) 241-7391.

Sincerely,

Rebecca Phillips  
Office Technician

Enclosures: Tentative Board Order  
Comment form

cc: Mailing List

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**Notice**

**Submittal of Written Material for Regional Board Consideration**

In order to ensure that the State of California Lahontan Regional Water Quality Control Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the Regional Board Meeting. Pursuant to Title 23 of the California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Regional Board may refuse to admit it.

COMPLETE FORM AND RETURN

To: CA Regional Water Quality Control Board, Lahontan Region  
14440 Civic Drive, Suite 200  
Victorville, CA 92392  
ATTN: Joe Koutsky

**Comments on TENTATIVE RESCISSION OF WASTE DISCHARGE REQUIREMENTS FOR BOARD ORDER NO. 6-95-30, FOR FORT CADY MINERALS CORPORATION; FORT CADY BORATE MINE - FULL SCALE PROJECT,**

\_\_\_\_\_ We concur with proposed requirements

\_\_\_\_\_ We concur; comments attached

\_\_\_\_\_ We do not concur; comments attached

\_\_\_\_\_ (Sign)

\_\_\_\_\_ (Type or print name)

\_\_\_\_\_ (Organization)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (City and State)

\_\_\_\_\_ (Telephone)

**California Environmental Protection Agency**

THOMAS AUGUSTINAS, SENIOR  
BUSINESS ANALYST  
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JOAN MULCARE  
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JOHN HINTON  
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LESLIE GRAVES, LAND DISPOSAL  
PROGRAM - SWRCB  
DIVISION OF CLEAN WATER PROGRAMS  
SACRAMENTO

ED WOSIKA  
SWRCB - CWP

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**BOARD ORDER NO. R6V-2009-(TENTATIVE)  
WDID NO. 6B369411001**

**RESCISSION OF WASTE DISCHARGE REQUIREMENTS  
BOARD ORDER NO. 6-95-30**

**FOR**

**FORT CADY MINERALS CORPORATION  
FORT CADY BORATE MINE — FULL-SCALE PROJECT**

San Bernardino County

The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. Discharger

The Fort Cady Minerals Corporation and Dundee Resources, Ltd. own and formerly operated the Fort Cady Borate Mine — Full-Scale Project. For the purposes of this Water Board Order (Order), Fort Cady Minerals Corporation and Dundee Resources, Ltd. (operator), Burlington Northern and Santa Fe Railway Company (BNSF), and Southern California Edison Company (landowners) are collectively referred to as the "Discharger."

2. Facility

The Full-Scale Project consists of a proposed solution mining process operation for extraction of boric acid and gypsum from a subsurface borate ore deposit. The Discharger originally proposed to expand a currently permitted in-situ mining pilot project (Board Order No. 6-88-63, adopted May 12, 1988) to inject, extract, and process for beneficiation a mining process solution rich in boron. The Full-Scale Project, encompassing approximately 354 acres, was intended to expand the pilot-scale project, and was to include a 273-acre subsurface project area injection/extraction well field; a 10-acre processing facility; a 16-acre gypsum storage pond; 55 acres of ancillary services including a process water supply well network, a railroad spur, a natural gas pipeline and access roads; and a network of groundwater monitoring wells to detect any migration of the solution away from the subsurface project area. For the purposes of this Order, the Fort Cady Borate Mine — Full-Scale Project is referred to as the "Facility."

The injection wells, the unlined gypsum storage pond, and the network of groundwater monitoring wells as part of the full-scale project were never constructed.

3. Facility Location

The Facility is located approximately 17 miles southeast of the community of Newberry Springs and 2.5 miles south of Interstate 40 in the Troy Valley Hydrologic Subarea of the Mojave Hydrologic Unit within portions of Sections 25, 26, 35 and 36, T8N, R5E, San Bernardino Baseline and Principal Meridian (SBB&M) as shown on Attachment "A," which is made a part of this Order.

4. Waste Discharge Requirements

The Water Board previously established Waste Discharge Requirements (WDRs) for Fort Cady Minerals Corporation, Fort Cady Borate Mine – Full-Scale Project, under Board Order No. 6-95-30, adopted on March 9, 1995.

5. Reasons for Action

The Discharger did not expand the pilot-scale project into a full-scale project. Consequently, there was never a discharge to the Facility. As such, it is appropriate to rescind the WDRs for the Full-Scale Project.

6. California Environmental Quality Act

This action is being taken by the Water Board to rescind WDRs issued pursuant to the California Water Code and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.) in accordance with California Code of Regulations, title 14, section 15321, subdivision (a)(2).

7. Public Notification

The Water Board has notified the Discharger and interested agencies and persons of its intent to rescind WDRs for the Facility. The Water Board, in a public meeting, heard and considered all comments pertaining to the rescission of these WDRs.

FORT CADY MINERALS CORPORATION  
FORT CADY BORATE MINE –  
FULL-SCALE PROJECT  
San Bernardino County

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BOARD ORDER NO.  
R6V-2009-(TENTATIVE)  
WDID NO. 6B369411001

IT IS HEREBY ORDERED that Board Order No. 6-95-30 be rescinded.

I, Harold J. Singer, Executive Officer, do hereby verify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on April 16, 2009.

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HAROLD J. SINGER  
EXECUTIVE OFFICER

Attachment: A. Vicinity Map

JK/rp S:\Board Orders 2009\Ft Cady Full Scale\TENTATIVE\Ft Cady Tentative WDRs.doc

